

Exhibit E

POLSINELLI PC
Morgan C. Fiander, Esq. (239812017)
Aaron P. Davis (251102019)
600 Third Avenue, 40th Floor
New York, New York 10016
Phone: (212) 803.9918
mfiander@polsinelli.com
adavis@polsinelli.com
Attorneys for Plaintiff CAF Borrower GS LLC

CAF BORROWER GS LLC,

Plaintiff,

v.

FRALEG GROUP INC., a New York corporation; RENHAN LLC, a New Jersey limited liability company and TAM LENDING CENTER INC., a New Jersey corporation,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: ESSEX COUNTY
DOCKET NO. SWC-F-001632-20

Civil Action

NOTICE OF MOTION

TO:

Fraleg Group, Inc.
c/o VCorp Services, LLC
820 Bear Tavern Road
West Trenton, New Jersey 08628

Renhan LLC
c/o Komlika Gill
1818 Old Cuthbert Road, Suite 100
Cherry Hill, New Jersey 08034

TAM Lending Center, Inc.
c/o Phillip T. Valianti
131 Copperfield Drive
Woodbury, New Jersey 08096

SIR OR MADAM:

PLEASE TAKE NOTICE that, on or before April 16, 2021, or such later date the Court may order, the undersigned attorneys for plaintiff CAF Borrower GS LLC, shall apply to the Superior Court of New Jersey, Chancery Division, Essex County, with an address at 470 Dr.

Martin Luther King Jr. Blvd, Newark, NJ 07102, for the entry of an Order holding the Property vacant and directing the Essex County Sheriff's Office to conduct a sale of the Property.

POLSINELLI PC

CAF Borrower GS LLC

By: Morgan Fiander
Morgan Fiander

Dated: March 29, 2021

POLSINELLI PC
Morgan C. Fiander, Esq. (239812017)
Aaron Davis, Esq. (251102019)
600 Third Avenue, 42nd Floor
New York, New York 10016
Phone: (212) 413-2838
mfiander@polsinelli.com
adavis@polsinelli.com

Attorneys for Plaintiff CAF Borrower GS LLC

CAF Borrower GS LLC,

Plaintiff,

v.

FRALEG GROUP INC., a New York
corporation; RENHAN LLC, a New Jersey
limited liability company and TAM LENDING
CENTER INC., a New Jersey corporation,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: ESSEX COUNTY
DOCKET NO. SWC-F-001632-20

Civil Action

CERTIFICATION OF GEORGE YOUNES

I, GEORGE YOUNES, of full age, do hereby certify and say:

1. I am an officer at Corevest American Finance Lender LLC (“Corevest”) and authorized to make this Certification on behalf of Plaintiff CAF Borrower GS LLC. Corevest is affiliated with CAF Borrower GS LLC and was the original lender with respect to the commercial mortgage loan at issue in the above-captioned case (the “Mortgage Loan”). I make this certification based upon my own personal knowledge of the Mortgage Loan and related documents.

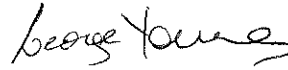
2. The Mortgage Loan is a commercial loan. It is secured by certain real property and improvements thereon located at 112 N. Walnut Street, East Orange, NJ 07017, and also known as Lot 15 in Block 360 on the Tax Map of East Orange, and as more particularly described on Schedule A of the Complaint (the “Mortgaged Premises”).

3. In connection with the Mortgage Loan, Defendant Fraleg Group Inc. acknowledged that none of its members, agents and/or officers would reside at the Mortgaged Premises.

4. Plaintiff conducted, through the assistance of its agent Coldwell Banker, an Occupancy Check at the Mortgaged Premises. A true and accurate copy of the Occupancy Check is attached hereto as **Exhibit A**. The Occupancy Check revealed that “[t]he property at 112 N. Walnut East Orange NJ 07017 is Vacant and secured. The subject property is fenced in and there are no occupants.”

5. Further, the Mortgaged Premises has more than ten (10) apartment units and the Mortgage Loan does not fall under any residential loan exception.

6. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



George Younes
CAF Borrower GS LLC

Dated: March 16th, 2021




COLDWELL BANKER REALTY

March 15, 2021

To whom it may concern,

The property at 112 N. Walnut East Orange NJ 07017 is Vacant and secured. The subject property is fenced in and there are no occupants.

DocuSigned by:

DC9A9DE44A184B3...

Sincerely,

Irving Cham

Broker Associate

Maplewood NJ

973-445-7010

License # 1432674

DocuSign Envelope ID: 6D0D7D98-8D64-45C0-978A-79F4B35DF221



DocuSign Envelope ID: 6D0D7D98-8D64-45C0-978A-79F4B35DF221



DocuSign Envelope ID: 6D0D7D98-8D64-45C0-978A-79F4B35DF221



POLSINELLI PC
Morgan C. Fiander, Esq. (239812017)
Aaron P. Davis (251102019)
600 Third Avenue, 40th Floor
New York, New York 10016
Phone: (212) 803.9918
mfiander@polsinelli.com
adavis@polsinelli.com
Attorneys for Plaintiff CAF Borrower GS LLC

CAF BORROWER GS LLC,

Plaintiff,

vs.

FRALEG GROUP INC., a New York
corporation; RENHAN LLC, a New Jersey
limited liability company and TAM LENDING
CENTER INC., a New Jersey corporation,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: ESSEX COUNTY
DOCKET NO. SWC-F-001632-20

Civil Action

[PROPOSED] ORDER

THIS MATTER having been opened to the Court by motion (the “Motion”) of Polsinelli PC, counsel for Plaintiff CAF Borrower GS LLC (“Plaintiff”), for the entry of an Order to Declare the Mortgaged Premises Vacant and to Order the Essex County Sheriff’s Office to Conduct a Sale of the Mortgaged Premises; and the Court having considered the moving papers, opposition papers, and oral argument, if any; and for other good cause shown:

IT IS on this _____ day of April 2021:

ORDERED that Plaintiff’s Motion is hereby GRANTED; and it is further

ORDERED that the Mortgaged Premises are declared vacant; and it is further

ORDERED that the Essex County Sheriff’s Office shall conduct a sale of the Mortgaged Premises; and it is further

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

ORDERED that a copy of this Order shall be served upon Defendants within ____ days of its receipt by the moving party.

, J.S.C.

☐ Unopposed

☐ Opposed

POLSINELLI PC
Morgan C. Fiander, Esq. (239812017)
Aaron Davis, Esq. (251102019)
600 Third Avenue, 42nd Floor
New York, New York 10016
Phone: (212) 413-2838
mfiander@polsinelli.com
adavis@polsinelli.com

Attorneys for Plaintiff CAF Borrower GS LLC

CAF BORROWER GS LLC

Plaintiff,

v.

FRALEG GROUP INC., a New York corporation; RENHAN LLC, a New Jersey limited liability company and TAM LENDING CENTER INC., a New Jersey corporation,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: ESSEX COUNTY
DOCKET NO. SWC-F-001632-20

Civil Action

CERTIFICATION OF SERVICE

I, MORGAN C. FIANDER, ESQ., of full age, do hereby certify and say:

1. I am an attorney duly admitted to practice law in the State of New Jersey and an associate with the firm Polsinelli PC, attorneys for plaintiff CAF Borrower GS LLC (“Plaintiff”).

I am responsible for litigating the above-captioned action on Plaintiff’s behalf and have personal knowledge of the facts set forth herein. I am authorized to make the instant Certification on Plaintiff’s behalf in this case.

2. On March 29, 2021, I caused to be delivered a copy of the Motion to Declare Property Vacant and Order Sale, which was filed in this action on March 29, 2021, on defendants Fraleg Group Inc., Renhan LLC and TAM Lending Center, Inc. (collectively, the “Defendants”) via Certified Mail, Return Receipt Requested and U.S. Mail, to Defendants at the following last known addresses:

Fraleg Group, Inc.
c/o VCorp Services, LLC
820 Bear Tavern Road
West Trenton, New Jersey 08628

Renhan LLC
c/o Komlika Gill
1818 Old Cuthbert Road, Suite 100
Cherry Hill, New Jersey 08034

TAM Lending Center, Inc.
c/o Phillip T. Valianti
131 Copperfield Drive
Woodbury, New Jersey 08096

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

/s/Morgan C. Fiander
MORGAN C. FIANDER

Dated: March 29, 2021



600 Third Avenue, 42nd Floor, New York, NY 10016 · (212) 684-0199

March 29, 2021

Aaron P. Davis
(212) 803-9918
(646) 607-9095 Fax
adavis@polsinelli.com

VIA E-COURTS AND CERTIFIED MAIL

Letter Brief in Support of Motion to Declare Property Vacant and Order Sale

Superior Court of New Jersey
Chancery Division
Essex County
470 Dr. Martin Luther King Jr. Blvd.
Newark, NJ 07102

**Re: CAF Borrower GS LLC v. Fraleg Group Inc., et al.
Docket No. SWC-F-001632-20**

The Honorable Judges of the Essex County Chancery Division:

As you are aware, this Firm is counsel to CAF Borrower GS LLC (“**Lender**”). Please accept this letter brief in lieu of a more formal brief. The below facts are discussed in both Lender’s Complaint and Lender’s Motion for Final Judgment, however a brief recitation is instructive.

Lender is the owner and holder of that certain Commercial Promissory Note dated January 23, 2019, in the original principal amount of \$8,000,000.00 (as amended from time to time, the “**Note**,” and the loan evidenced thereby being hereinafter referred to as the “**Loan**”), the original maker of which is Fraleg Group Inc. (“**Borrower**”). In order to secure its obligations owed under the Note, Borrower executed and delivered to Corevest American Finance Lender LLC (“**Original Lender**”) a certain Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing dated as of April 5, 2019 (the “**Mortgage**”), pursuant to which Borrower mortgaged to Lender certain real property known as 112 N. Walnut Street, East Orange, NJ 07017 (the “**Property**”). The Mortgage was duly recorded with the Essex County Register’s Office on April 12, 2019.

The Loan and all related documents executed in connection with or further securing the amounts owed under the Note (the “**Loan Documents**”) were later assigned to Lender, as evidenced by the following: (i) an assignment from Original Lender to CF Corevest Purchaser LLC dated April 17, 2019, and recorded on June 18, 2019 and (ii) an assignment from CF Corevest Purchaser LLC to Lender dated April 17, 2019, and recorded on June 18, 2019.

polsinelli.com

Atlanta Boston Chicago Dallas Denver Houston Kansas City Los Angeles Miami Nashville New York
Phoenix St. Louis San Francisco Seattle Silicon Valley Washington, D.C. Wilmington
Polsinelli PC, Polsinelli LLP in California

CAF Borrower GS LLC v. Fraleg Group Inc., et al.

March 29, 2021

Page 2

Borrower defaulted under the Note, the Mortgage and the other Loan Documents as a result of Borrower's failure to pay the amounts owed under the Note for the months of November and December 2019. As a result of Borrower's default, Lender instituted the instant action on January 30, 2020, filing an Amended Complaint on September 17, 2020. Borrower never answered or otherwise pled. As a result, Lender filed a Request for Default and Motion for Final Judgment which are currently pending before this Court.

Lender now comes before this Court in an effort to secure its interest in the Property and for an Order that the Property is vacant and that a foreclosure sale of the Property is appropriate. Specifically, Lender seeks an Order from this Court directing the Essex County Sheriff's Office to conduct a foreclosure sale since: (i) the Property is the subject of a commercial loan; (ii) has more than ten (10) apartment units; (iii) is currently vacant; and (iv) does not fall under any residential loan exception. In further support of this request, Lender has also filed a Notice of Motion, Certification of George Younes, Proposed Order, and Certification of Service.

Thank you for your attention to this matter.

Respectfully,



Aaron P. Davis

Cc: All Defendants via Certified and Regular Mail